

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-35 are now present in the application. Claims 1, 16 and 25 have been amended. Claims 30-35 have been added. Claims 1 and 16 are independent. Reconsideration of this application, as amended, is respectfully requested.

### **Priority Under 35 U.S.C. §119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

### **Information Disclosure Citation**

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on June 8, 2005, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

### **Drawings**

Applicants thank the Examiner for accepting the formal drawings of the instant application.

### **Claim Objections**

Claims 1-29 have been objected to due to the presence of minor informalities. In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed.

Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

### **Claim Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1-8, 14, 16-25 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee, U.S. Patent No. 5,706,671. Claims 9-13, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Kim, U.S. Patent No. 6,112,546. Claims 15 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Yoshikawa, U.S. Patent No. 4,891,952. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejection has been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 16 have been amended to recite a combination of elements including "a partition wall between the freezing chamber cold air passage and the refrigerating chamber cold air passage, the evaporator passing through the partition wall such that the evaporator is exposed to the freezing chamber cold air passage and the refrigerating chamber cold air passage."

Support for the above combination of elements set forth in claims 1 and 16 can be found in FIGs. 5 and 8 as originally filed. Applicants respectfully submit that the above combination of

elements set forth in claims 1 and 16 is not disclosed or suggested by the references relied on by the Examiner.

The Examiner referred to a lower plate between the chambers 3a and 3b as shown in FIG. 1 of Lee as the partition wall of the claimed invention. As shown in FIG. 1 of Lee, the evaporator 4 is spaced apart from the lower plate, and does not pass through the lower plate. Therefore, Lee fails to teach "*the evaporator passing through the partition wall* such that the evaporator is exposed to the freezing chamber cold air passage and the refrigerating chamber cold air passage" as recited in claims 1 and 16.

With regard to the Examiner's reliance on the secondary references, these references have only been relied on for their teachings related to some dependent claims. These references also fail to disclose the above combination of elements as set forth in amended independent claims 1 and 16. Accordingly, these references fail to cure the deficiencies of Lee.

Accordingly, none of the utilized references individually or in combination teach or suggest the limitations of amended independent claims 1 and 16. Therefore, Applicants respectfully submit that amended independent claims 1 and 16 clearly define over the teachings of the utilized references.

In addition, claims 2-15 and 17-29 depend, either directly or indirectly, from independent claims 1 and 16, and are therefore allowable based on their respective dependence from independent claims 1 and 16, which are believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1-29 clearly define the present invention over the references relied on by the Examiner. Accordingly,

reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

### **Additional Claims**

Claims 30-35 have been added for the Examiner's consideration. Applicants respectively submit that claims 30-35, depend directly or indirectly, from amended independent claims 1 and 16, and are therefore allowable based on their respective dependence from amended independent claims 1 and 16, which are believed to be allowable. Consideration and allowance of claims 30-35 are respectfully requested.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Application No. 10/537,828  
Amendment dated January 9, 2008  
Reply to Office Action of October 9, 2007

Docket No.: 0465-1354PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

  
James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

